UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/707
29 August 1996
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 29 AUGUST 1996 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF IRAQ TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 27 August 1996 addressed to you by Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning Iranian violations of Iraq's territory.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Chargé d'affaires a.i.

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Annex

Letter dated 27 August 1996 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

I should like to refer to my letter of 31 July 1996 concerning attacks by Iranian armed forces on the territory of the Republic of Iraq (S/1996/617, annex) and to inform you that Iran's provocative actions against the security and territorial integrity of Iraq are continuing. The most recent such actions have involved the infiltration of seven Iranian sabotage teams across the Iraq-Iran borders from the areas of Shush, Fakkeh, locations opposite the Iraqi Ali al-Gharbi area, Sumar and Sarbil Zahab in order to engage in espionage and carry out acts of sabotage inside Iraqi territory. In all, more than 20 violations were committed by such teams during the first half of 1996.

In informing you of this fresh provocation, the Government of Iraq stresses the dangerous implications of these actions and the fact that they represent a serious breach of the cease-fire that is in effect between the two countries on the basis of Security Council resolution 598 (1987) and a flagrant violation of Iraq's sovereignty and territorial integrity. Accordingly, they also violate the principles of good-neighbourliness and friendly relations between States, the provisions of the Charter of the United Nations and the norms of international law.

Iraq affirms that the Government of the Islamic Republic of Iran is pursuing a policy that is contrary to the aforesaid principles and that it lacks the desire to establish security and stability along the two countries' common borders. Iraq again protests strongly against these unwarranted acts of aggression and renews its condemnation of them. It urges the Government of Iran, through you, to desist from such acts, and it calls upon Iran to abide by the Tehran agreement signed by the two countries in 1991. Iraq further holds Iran fully responsible for the consequences of these acts of aggression, and it affirms Iraq's full entitlement to compensation and its legitimate and lawful right to take whatever measures it deems appropriate in order to defend its sovereignty and territorial integrity and the security of its people.

Through you, I reiterate my country's call to Iran to respect Iraq's sovereignty and territorial integrity, and I express the hope that the United Nations will meet its responsibilities as set forth in its Charter and will prevent any continuation of the intimidation and aggression to which my country is constantly being subjected.

I request you to have this letter circulated as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

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Botswana, Chile, Egypt, Germany, Guinea-Bissau, Honduras, Indonesia, Republic of Korea, Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Reaffirming all its previous resolutions and statements by its President on the situation in Burundi,

Recalling the statement by its President of 24 July 1996 (S/PRST/1996/31) in which the Council strongly condemned any attempt to overthrow the legitimate Government of Burundi by force or coup d'état, and recalling also the statement by its President of 29 July 1996 (S/PRST/1996/32) in which the Council condemned the actions that led to the overthrow of constitutional order in Burundi,

Deeply concerned at the continued deterioration in the security and humanitarian situation in Burundi that has been characterized in the last years by killings, massacres, torture and arbitrary detention, and at the threat that this poses to the peace and security of the Great Lakes Region as a whole,

Reiterating its appeal to all parties in Burundi to defuse the present crisis and to demonstrate the necessary cohesion, unity and political will to restore constitutional order and processes without delay,

Reiterating the urgent need for all parties in Burundi to commit themselves to a dialogue aimed at establishing a comprehensive political settlement and the creation of conditions conducive to national reconciliation,

Recalling that all persons who commit or authorize the commission of serious violations of international humanitarian law are individually responsible for such violations and should be held accountable, and reaffirming the need to put an end to impunity for such acts and the climate that fosters them,

Strongly condemning those responsible for the attacks on personnel of international humanitarian organizations, and underlining that all parties in Burundi are responsible for the security of such personnel,

Emphasizing the urgent need to establish humanitarian corridors to ensure the unimpeded flow of humanitarian goods to all people in Burundi,

Taking note of the letter from the Permanent Representative of the United Republic of Tanzania of 2 August 1996 (S/1996/620, annex and appendix),

Taking note also of the note from the Secretary-General transmitting a letter from the Secretary-General of the Organization of African Unity of 5 August 1996 (S/1996/628, annex),

Reiterating its support for the immediate resumption of dialogue and negotiations under the auspices of the Arusha Peace Process facilitated by former President Nyerere and the Joint Communiqué of the Second Arusha Regional Summit on Burundi of 31 July 1996 which seeks to guarantee democracy and security for all people in Burundi,

Determined to support the efforts and initiatives of the countries in the region, which were also supported by the Central Organ of the Organization of African Unity (OAU) Mechanism for Conflict Prevention, Management and Resolution aimed at returning Burundi to a democratic path and contributing to stability in the region,

Underlining the importance it attaches to the continuation of the efforts of the OAU and its Observer Mission (MIOB),

Welcoming the efforts made by interested Member States and by the European Union to contribute to a peaceful solution of the political crisis in Burundi,

Underlining that only a comprehensive political settlement can open the way for international cooperation for the reconstruction, development and stability of Burundi, and expressing its readiness to support the convening, when appropriate, of an international conference involving the United Nations system, regional organizations, international financial institutions, donor countries and non-governmental organizations aimed at mobilizing international support for the implementation of a comprehensive political settlement,

Recalling its resolution 1040 (1996) of 29 January 1996, in particular paragraph 8, in which the Council declared its readiness to consider the imposition of measures under the Charter of the United Nations,

Taking note of the report of the Secretary-General of 15 August 1996 (S/1996/660),

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1. Condemns the overthrow of the legitimate Government and constitutional order in Burundi and condemns also all those parties and factions which resort to force and violence to advance their political objectives;

2. Expresses its strong support for the efforts of regional leaders, including at their meeting in Arusha on 31 July 1996, of the OAU and of former President Nyerere, to assist Burundi to overcome peacefully the grave crisis

which it is undergoing, and encourages them to continue to facilitate the search for a political solution;

3. Calls upon the regime to ensure a return to constitutional order and legality, to restore the National Assembly and to lift the ban on all political parties;

4. Demands that all sides in Burundi declare a unilateral cessation of hostilities, call an immediate halt to violence and assume their individual and collective responsibilities to bring peace, security and tranquillity to the people of Burundi;

5. Demands also that the leaders of all parties in Burundi ensure basic conditions of security for all in Burundi by a commitment to abstain from attacking civilians, to ensure the security of humanitarian personnel operating in the territory they control, and to guarantee the protection within Burundi and safe passage out of the country for the members of President Ntibantunganya's government and the members of parliament;

6. Demands also that all of Burundi's political parties and factions without exception, whether inside or outside the country and including representatives of civil society, initiate unconditional negotiations immediately, with a view to reaching a comprehensive political settlement;

7. Declares its readiness to assist the people of Burundi with appropriate international cooperation to support a comprehensive political settlement resulting from these negotiations and, in this context, requests the Secretary-General in consultation with the international community to undertake preparations when appropriate for the convening of a pledging conference to assist in the reconstruction and development of Burundi following the achievement of a comprehensive political settlement;

8. Encourages the Secretary-General in consultation with all those concerned, including the neighbouring States, other Member States, the OAU and international humanitarian organizations, to establish mechanisms to ensure the safe and timely delivery of humanitarian relief throughout Burundi;

9. Acknowledges the implication of the situation in Burundi for the region and underlines the importance of convening at an appropriate time a Regional Conference of the Great Lakes Region, under the auspices of the United Nations and the OAU;

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10. Decides to re-examine the matter on 31 October 1996, and requests that the Secretary-General report to the Council by that time on the situation in Burundi, including on the status of the negotiations referred to in paragraph 6 above;

11. Decides, in the event that the Secretary-General reports that the negotiations referred to in paragraph 6 above have not been initiated, to consider the imposition of measures under the Charter of the United Nations to

further compliance with the demand set out in paragraph 6 above; these may include, among others, a ban on the sale or supply of arms and related matériel of all types to the regime in Burundi and to all factions inside or outside Burundi, and measures targeted against the leaders of the regime and all factions who continue to encourage violence and obstruct a peaceful resolution of the political crisis in Burundi;

12. Reiterates the importance it attaches to the contingency planning called for in paragraph 13 of resolution 1049 (1996) of 5 March 1996 and encourages the Secretary-General and Member States to continue to facilitate contingency planning for an international presence and other initiatives to support and help consolidate a cessation of hostilities, as well as to make a rapid humanitarian response in the event of widespread violence or a serious deterioration in the humanitarian situation in Burundi;

13. Decides to remain actively seized of the matter.